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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/599,808	06/21/2000	Matthew J. Kotler	MS1-558US	8044
22801	7590	09/26/2005		
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			EXAMINER NGUYEN BA, PAUL H	
			ART UNIT	PAPER NUMBER
			2176	
DATE MAILED: 09/26/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/599,808

Applicant(s)

KOTLER ET AL.

Examiner

Paul Nguyen-Ba

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17,81 and 82 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17,81 and 82 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Notice to Applicant*

1. This action is responsive to Applicant's Amendment After Final filed on 8/24/2005.
2. Claims 1-17, 81, and 82 are currently pending.
  - a. Applicant withdrew claims 18-80.
  - b. Claims 1 and 2 are independent claims.

### *Claim Rejections - 35 USC § 101*

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1-17, 81, and 82 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Said claims need to be directed towards a "computer-implemented" method.

**Regarding claims 1 and 2**, the language of the claims raise a question as to whether the claims are directed merely to an abstract idea that is not tied to a technological art, environment, or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. §101.

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**Claims 3-17, 81, and 82**, are dependent upon claim 1, and do not add any limitations that would render these claims statutory under 35 U.S.C. § 101. Therefore, these claims are likewise rejected.

To expedite a complete examination of the instant application the claims rejected under 35 U.S.C. 101 (nonstatutory) above are further rejected as set forth below in anticipation of applicant amending these claims to place them within the four statutory categories of invention.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1 and 2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

**Regarding claims 1 and 2**, the phrase "upon selection of free floating field" is vague and indefinite and renders the scope of the claims indeterminable.

Specifically, said phrase brings into question the metes and bounds of what exactly entails a "selection of the free floating field". For example, it can be reasonably interpreted that

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the phrase “selection of the free floating field” pertains to the method of selecting a free floating field for inclusion or presentation in a document. Alternatively, it can be reasonably interpreted to pertain to the selection of a free floating field by means of a mouse-click, tab key, arrow key, etc. or the mental process of selecting the free floating field.

Moreover, compounding indeterminable scope problem, the phrase “upon selection...” is open to vast reasonable interpretations. By way of explanation, said phrase “upon selection...” can be reasonable be interpreted as setting the metes and bounds of time to encompass the process of selecting a free floating field and its attributes for inclusion in a document. Another reasonable interpretation, would assume that “upon selection...” encompasses the time threshold between the mouse-click that highlights the field and the confirmation of the selected input to the free floating field; since it is conceptually difficult to ascertain a determination of content type without content having actually existed in the free floating field (before the data string has been entered), unless the type of content is to be pre-determined. Lastly, the scope of the phrase “upon selection...” might be limited to only the exact split nano-second when a mouse-click or a keyboard click selects a free floating field or the exact split non-second that one decides to select a free floating field for inclusion in a text document. The Patent Office would appreciate some clarity on these issues of scope to adequately examine the instant application.

**Claims 3-17, 81, and 82**, are dependent upon claim 1, and are likewise rejected.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 3-8, and 11, 12, 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Redpath, U.S. Patent No. 5,630,126, in view of LeBlond et al. ("LeBlond"), *PC Magazine Guide to Quattro Pro for Windows*, pgs. 9-11, 42-61, Ziff-Davis Press, Copyright © 1993 by the LeBlond Group.

**Independent Claim 1**

Redpath discloses a method comprising:

*presenting a free floating field in line with text in a document, the free floating field presenting content derived from a source (see Figure 8; column 2, lines 45-53 → compare "math parts" with free floating field);*

*determining a type of content in the free floating field and interpreting user entry based upon the type of content in the free floating field (see column 6, lines 15-18 → the system evaluates formula or assigns value based upon type of content); and*

*upon modification of the source, automatically updating the content in the free floating field (see column 2, lines 39-40 → content updated upon user input).*

Redpath does not explicitly teach determining, upon selection of the free floating field, a type of content in the free floating field. However, LeBlond teaches a status indicator that indicates the type of content (labels, values, formulas, etc.) within a selected cell (i.e. free floating field) (see pgs. 9 and 11). Once a user confirms an entry in the input line, Quattro Pro transfers it from the input line to the current cell (see pg. 44). Therefore, upon further selection of the cell (i.e. free floating field), Quattro Pro has already determined the type of content in that cell and indicates such in the status indicator.

Since Redpath and LeBlond are both from the same field of endeavor, the purposes disclosed by LeBlond would have been recognized in the pertinent art of Redpath. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the teaching of Redpath with the teachings of LeBlond to include determining, upon selection of the free floating field, a type of content in the free floating field for the purpose of differentiating and distinguishing, for spreadsheet computational motives, whether a user entry is a label, value, or formula.

### **Claim 3**

Redpath further discloses *the method of claim 1, wherein the source is text and the free floating field presents the text* (see Figure 3 - 112; column 7, lines 24-26 → non-numeric data).

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#### **Claim 4**

Redpath further discloses *the method of claim 1, wherein the source is a data value and the free floating field presents the data value* (see Figure 3 - 112; column 7, lines 24-26 → numeric data).

#### **Claim 5**

Redpath further discloses *the method of claim 1, wherein the source resides separate from the free floating field and the free floating field presents content derived from referencing the source* (see generally column 1, lines 45 *et seq.* → source can be linked by reference to a math part from a different location).

#### **Claim 6**

Redpath discloses *the method of claim 1, further presenting a table containing multiple cells* (see col. 2 lines 38-40; col. 4 lines 3-23 → table is defined by Webopedia.com as “data arranged in rows and columns. A spreadsheet, for example is a table.” Therefore, Redpath’s “ragged spreadsheet” table consists of multiple “math cells”) *in which one cell is the source* (see column 3, lines 60-61 → math cell with the same name in the formulas of the other math cells functions as the source); *and upon modification of the cell, automatically updating the content in the free floating field* (see column 2, line 40 and related discussion elsewhere in specification).



**Claim 7**

Redpath further discloses *the method of claim 1, wherein the free floating field is a first free floating field, the method further comprising:*

*presenting a second free floating field, the second free floating field presenting content derived from referencing the first free floating field (see column 3, lines 60-61 → the math cell with the same name in the formulas of the other math cells functions as the source); and*

*upon modification of the source, automatically updating the contents in the first and second free floating fields (see column 2, lines 39-40 and related discussion elsewhere in specification).*

**Claim 8**

Redpath discloses *the method of claim 1, further comprising overlaying a formula edit box on the free floating field to facilitate user entry of a formula into the free floating field (see Figure 6; column 3, lines 9-14).*

**Claim 11**

Redpath discloses *the method of claim 1, further comprising:*

*creating a cell structure in association with the free floating field, the cell structure holding one of a formula or data used in the free floating field (see column 3, lines 4-5 → each math cell may include an associated formula or data to be used in other math parts); and*

*creating a format structure in association with the free floating field, the format structure holding formatting information for the free floating field* (see Figure 2; column 6, lines 11-14 → compare “configuring operation” with *format structure*).

#### **Claim 12**

Redpath discloses *the method of claim 1, further comprising formatting the free floating field independently of the text* (see generally Figure 2 and Abstract; column 6, lines 11-14 and related discussion elsewhere in specification → can arrange position and size of math part or add and modify text or values in the math part independent of text).

#### **Claim 14**

Redpath discloses *the free floating field and the source in a nested relationship* (see Fig. 8 → the sources (i.e. values) are contained within the free floating fields (i.e. math parts)).

#### **Claim 15**

Redpath further discloses *the method of claim 14, wherein the determining comprises: evaluating whether the type of content is a formula or non-text data* (see column 6, lines 15-18 → evaluates whether formula or non-text data);

*if the type of content is a formula or non-text data, interpreting the user's entry as applicable to spreadsheet functions* (see column 6, lines 15-18 → evaluates formula or assigns value based upon type of content); *and*

*if the type of content is not a formula or non-text data, interpreting the user*

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*entry as applicable to word processing functions* (see generally column 6, lines 15-18 → if not formula or non-text data, calculation is not performed on text; e.g. name entry).

**Claim 16**

Redpath further discloses *the method of claim 14, wherein the determining comprises:*

*evaluating whether the type of content is a formula* (see column 6, lines 15-18 →

evaluates formula or assigns value based upon type of content);

*if the type of content is a formula, highlighting all of the formula and allowing editing in a formula edit box* (see column 3, lines 9-14 → compare “dialog box” with *formula edit box*; allows editing of formula for the accentuated math cell); *and*

*if the type of content is not a formula, placing a cursor in the free floating field* (see generally column 6, lines 52 *et seq.* → dialog box allows entry of non-formula values within the math cell field, the characters or values delineating inherently from a space identifying cursor position).

**Claim 17**

Redpath further discloses *a computer readable medium having computer-executable instructions that, when executed on one or more processors, perform the method as recited in claim 1* (see column 5, lines 51-63).

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8. Claims 2, 81, and 82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Redpath, U.S. Patent No. 5,630,126, in view of LeBlond et al. ("LeBlond"), *PC Magazine Guide to Quattro Pro for Windows*, pgs. 9-11, 42-61, Ziff-Davis Press, Copyright © 1993 by the LeBlond Group, in further view of Laura Acklen & Read Gilgen ("Acklen"), *Using Corel Wordperfect 9*, 251-284, 424-434, 583-586 (1998).

### **Independent Claim 2**

Redpath-LeBlond disclose a method of presenting a free floating field in line with text in a document with respect to independent claim 1 as discussed above. Redpath-LeBlond do not specifically disclose the method wherein the document is written in a markup language.

However, Acklen discloses a method for creating an HTML Web page document including tables (see pgs. 583-585 → under heading: Add Tables) for the purpose of presenting table cell information via the Internet.

Since Redpath-LeBlond and Acklen are both from the same field of endeavor, the purpose disclosed by Acklen would have been recognized in the pertinent art of Redpath-LeBlond. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to present the document in a markup language for the purpose of presenting table cell information via the Internet.

### **Claims 81 and 82**

Redpath-LeBlond disclose the method of independent claim 1 as discussed above, but does not specifically disclose nesting the free floating field within a cell in the table or nesting the table within the free floating field.

However, Acklen discloses inserting (or nesting) a floating cell into a table (see pg. 429) and also discloses inserting a table by positioning an insertion point in any area within your document where you would want to insert a table (see pg 254) for the purpose of nesting the free floating field within a cell in the table or nesting the table within the free floating field.

Since Redpath-LeBlond and Acklen are both from the same field of endeavor, the purpose disclosed by Acklen would have been recognized in the pertinent art of Redpath-LeBlond. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Redpath-LeBlond with Acklen to include nesting the free floating field within a cell in the table or nesting the table within the free floating field for the purpose of providing text adornments associated with objects on the page in an efficient manner.

9. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Redpath, U.S. Patent No. 5,630,126, in view of LeBlond et al. ("LeBlond"), *PC Magazine Guide to Quattro Pro for Windows*, pgs. 9-11, 42-61, Ziff-Davis Press, Copyright © 1993 by the LeBlond Group, in further view of Curbow et al. ("Curbow"), U.S. Patent No. 5,669,005.

### **Claim 13**

Redpath-LeBlond disclose a method integrating text and a free floating field within a

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common document, the free floating field supporting spreadsheet functionality, but does not specifically disclose modifying a format of the text and automatically applying the format to the free floating field.

However, Curbow discloses a method of modifying evaluating *an aspect of the document; and applying the control function across both the text and the content parts* for the purpose of simplicity resulting from the fact that the user only has to learn one way to perform a particular task, such as editing text (see Curbow, column 2, lines 66-67 to column 3, lines 1-9 and related discussion elsewhere in specification).

Since Redpath-LeBlond and Curbow are both from the same field of endeavor, the purpose disclosed by Curbow would have been recognized in the pertinent art of Redpath-LeBlond. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to further integrate text and free floating fields within a common document by applying modifications across both the text and the content parts for the purpose of simplicity stemming from the fact that the user only has to learn one way to perform a particular task, such as editing text.

10. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Redpath, U.S. Patent No. 5,630,126, in view of LeBlond et al. ("LeBlond"), *PC Magazine Guide to Quattro Pro for Windows*, pgs. 9-11, 42-61, Ziff-Davis Press, Copyright © 1993 by the LeBlond Group, in further view of Microsoft Visual Basic 5.0 Programmer's Guide, 1997, pgs. 578-579, Redmond, Washington 98052-6399 ("Microsoft").

**Claim 9**

Redpath-LeBlond disclose an overlaying formula edit box on the free floating field to facilitate user entry of a formula into the free floating field, but does not specifically teach resizing the formula edit box as the user enters the formula.

However, Microsoft discloses the resizing of boxes or controls at run time for the purposes of user readability and to respect inherent document size restrictions (see Microsoft, pgs. 578, 579 → “Resizing Controls Dynamically”)

Since Redpath-LeBlond and Microsoft are both from the same field of endeavor, the purpose disclosed by Microsoft would have been recognized in the pertinent art of Redpath-LeBlond. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Redpath-LeBlond with Microsoft to include a formula edit box allowing resizing for the purposes of user readability and to respect inherent document size restrictions.

**Claim 10**

Redpath-LeBlond disclose an overlaying formula edit box on the free floating field to facilitate user entry of a formula into the free floating field, but does not specifically teach extending the formula edit box horizontally and subsequently vertically as the user enters the formula.

However, Microsoft discloses the extending the formula edit box horizontally and subsequently vertically at run time for the purposes of user readability and to respect inherent

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document size restrictions (see Microsoft, pgs. 578, 579 → “Resizing Controls Dynamically”; compare “Height” and “Weight” with *horizontal* and *vertical*).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Redpath-LeBlond with Microsoft to include a formula edit box that allows for extending the formula edit box horizontally and subsequently vertically at run time for the purposes of user readability and to respect inherent document size restrictions.

### ***Response to Arguments***

11. The Patent Office withdraws the ‘Finality’ of the rejection mailed on 06/16/2005 due to Applicant’s astuteness in maneuvering the scope limitations of claims 1 and 14.

12. Applicant’s arguments filed 8/24/2005 have been fully considered but they are not persuasive. The Office respectfully disagrees with Applicant’s arguments regarding the limitation “upon selection of the free floating field”. As discussed per the §112(2) rejection above, the Office attempted to select a reasonable interpretation of said broad limitation as would be understood to the skilled artisan, and rejected the claims as being obvious accordingly. If Applicant disputes the Office’s interpretation of said claims, please clarify said claims as to pierce the ‘interpretation veil’ and leave no questions as to the claims’ scope.



***Conclusion***

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Nguyen-Ba whose telephone number is (571) 272-4094.

The examiner can normally be reached on 11 am - 7 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PNB

*William L. Bashore*  
**WILLIAM BASHORE**  
**PRIMARY EXAMINER**  
*9/21/2005*